

ORIGINAL



MEMORANDUM

gasm

TO: Docket Control

FROM: Ernest G. Johnson  
Director  
Utilities Division

DATE: October 14, 2005

RE: Red Rock Utilities, LLC's Request for Extension of Deadline to File Approvals to Construct Docket No. WS-04245A-04-0184

Decision No. 67409, effective November 2, 2004, granted Red Rock Utilities, L.L.C. ("Red Rock") a Certificate of Convenience and Necessity to provide water and wastewater service to a portion of Pinal County. Among other compliance requirements, the Decision ordered Red Rock to file Approvals to Construct for the off-site water facilities within 365 days of the effective date of the Decision. Red Rock, although fulfilling many of the other compliance requirements, has not yet filed the Approvals to Construct with the Commission. It has, however submitted its application for the Approvals to Construct to the Arizona Department of Environmental Quality ("ADEQ") on September 26, 2005. Red Rock is requesting an extension to January 2, 2006 by which time it expects ADEQ's approval.

Staff has reviewed the request and has no objections to the requested extension of time to January 2, 2005.

RECEIVED  
2005 OCT 14 10 41 AM  
AZ CORP COMMISSION  
DOCUMENT CONTROL

One South Church Avenue Suite 700  
Tucson, Arizona 85701-1611  
Facsimile (520) 622-3088  
Telephone (520) 622-2090

Thomas H. Campbell, State Bar No. 006312  
Mary Beth Savel State Bar No. 014642

Attorneys for Voyager Water Company

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JEFF HATCH-MILLER, Chairman  
MARC SPITZER  
WILLIAM A. MUNDELL  
MIKE GLEASON  
KRISTIN K. MAYES

RECEIVED

OCT 12 2005

LEGAL DIV.  
ARIZ. CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION  
OF RED ROCK UTILITIES, LLC FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE WATER AND  
WASTE WATER

Docket No. WS-04245A-04-0184

RED ROCK UTILITIES, LLC'S  
REQUEST FOR EXTENSION OF  
DEADLINE IN DECISION NO.  
67409 TO FILE APPROVALS TO  
CONSTRUCT

Red Rock Utilities, LLC ("RRU") herein requests an extension of the November 2, 2005 deadline to file Arizona Department of Environmental Quality ("ADEQ") Approvals to Construct the off-site water facilities. RRU has completed all the work necessary to obtain the ADEQ Approvals to Construct, has received approval from Pinal County, and submitted the application for such Approvals to Construct to ADEQ. However, ADEQ has until mid-November 2005 in which to issue the Approvals to Construct. Accordingly, RRU requests a short extension to January 2, 2006, in which to obtain from ADEQ and to file the Approvals to Construct.

1 **PROCEDURAL BACKGROUND.**

2 RRU received the approval of the Arizona Corporation Commission ("ACC")  
3 for a Certificate of Convenience and Necessity ("CC&N") to provide water and  
4 wastewater service in Pinal County, Arizona in Decision No. 67409, dated November 2,  
5 2004 (the "Decision"). The Decision ordered RRU to meet specified deadlines for filing  
6 documentation supporting RRU's water and wastewater services. RRU has met all such  
7 deadlines to date, and in some instances has filed prior to the required deadline. These  
8 completed deadlines include the following:

- 9
- 10 • File tariff consistent with the rates and charges authorized by the ACC  
within 30 days of the Decision.
  - 11 • File a copy of the Analysis of Assured Water Supply approved by the  
12 Arizona Department of Water Resources within 24 months of the  
13 effective date of the Decision.
  - 14 • Docket a backflow prevention and curtailment tariff within 60 days of the  
15 Decision.
  - 16 • File a report on the arsenic levels of the production wells within 365 days  
17 of the Decision.

18 The Decision, Page 12, Paragraph 24, also orders RRU to file Approvals to  
19 Construct the off-site water facilities within 365 days of the effective date of the Decision:  
20 by November 2, 2005. It is this deadline for which RRU seeks an extension to January 2,  
21 2006.

22 **DEVELOPMENT STATUS.**

23 In the 11 months since the ACC authorized the CC&N, RRU has worked  
24 diligently to get the water and wastewater facilities under construction. RRU has  
25 completed the following key tasks:

- 26
- January 2004 -- drilled two wells.

- 1 • July 8, 2005 -- obtained AZPDES permit for stormwater construction
- 2 general permit.
- 3 • September 26, 2005 -- obtained AZPDES permit for discharge of treated
- 4 effluent.
- 5 • Completed design and contract for construction of wastewater treatment
- 6 facility.
- 7 • Initiated application for aquifer protection permit through ADEQ
- 8 (application deemed administratively complete as of September 26,
- 9 2005) (otherwise due within 24 months of the effective date of the
- 10 Decision).
- 11 • Began negotiating first line extension agreement.

12 **REQUEST.**

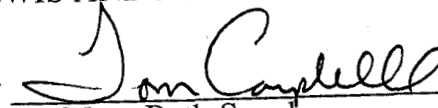
13 The final item that the Decision requires by November 2, 2005, is the ADEQ  
14 Approvals to Construct the off-site water facilities. RRU submitted its ADEQ application  
15 for the Approvals to Construct on September 16, 2005 and the application was "accepted"  
16 on September 26, 2005. Under ADEQ's regulations, the Approvals to Construct must be  
17 issued within 60 days, by mid-November 2005. It is possible that ADEQ may issue the  
18 Approvals to Construct before the ACC's November 2, 2005 deadline. However, ADEQ  
19 may also take the entire 60 days, or may require additional information or submittals that  
20 would delay issuance of the Approvals to Construct past November 2. To be certain that  
21 RRU is in compliance with the Decision, therefore, RRU requests a 60-day extension of  
22 the November 2, 2005 deadline.

23 For the foregoing reasons, RRU requests a brief extension of the November 2,  
24 2005 deadline until January 2, 2006, in order to allow time for ADEQ to finish its review  
25 of RRU's application and to issue the Approvals to Construct for RRU's off-site water  
26 facilities.

RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of October, 2005.

LEWIS AND ROCA LLP

By



Mary Beth Savel

Thomas H. Campbell

40 N. Central Avenue

Phoenix, Arizona 85004

Attorneys for Red Rock Utilities, LLC

ORIGINAL AND 13 COPIES filed  
this 12<sup>th</sup> day of October, 2005, with:

Arizona Corporation Commission  
Utilities Division – Docket Control  
1200 W. Washington Street  
Phoenix, Arizona 85007

COPY of the foregoing hand delivered  
this 12<sup>th</sup> day of October, 2005, to:

Jane L. Rodda, Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, Arizona 85007

David Ronald, Esq.  
Legal Division  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, Arizona 85007

Ernest Johnson  
Director, Utilities Division  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, Arizona 85007

